

## R430-70-9. RECORDS.

- (1) The provider shall maintain the following general records on-site for review by the Department:
- (a) documentation of the previous 12 months of fire and disaster drills as specified in R430-70-10(9) and R430-70-10(11);

### Rationale / Explanation

*Review of program records by the Department is used to determine, in part, the program's compliance with the licensing rules. CFOC, pg. 334 Standard 8.003; pg. 367 Standard 8.057.*

### Enforcement

*If the provider indicates they do not have these records, cite R430-70-10(9), (10), (11), or (12), not this rule. If the provider indicates they **have** any of these records, but **cannot find them** during an on-site visit, cite this rule number [R430-70-9(1)(a)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-70-10(9), (10), (11), or (12).*

*Always Level 3 Noncompliance for this rule [R430-70-9(1)(a)].*

- (1) The provider shall maintain the following records on-site for review by the Department:
- (b) current animal vaccination records as required in R430-70-22(3);

### Rationale / Explanation

*Review of program records by the Department is used to determine, in part, the program's compliance with the licensing rules. CFOC, pg. 334 Standard 8.003; pg. 367 Standard 8.057.*

### Enforcement

*If the provider indicates they do not have the record, cite R430-70-22(3), not this rule. If the provider indicates they **have** any of these records, but **cannot find them** during an on-site visit, cite this rule number [R430-70-9(1)(b)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-70-22(3).*

*Always Level 3 Noncompliance for this rule [R430-70-9(1)(b)].*

- (1) The provider shall maintain the following records on-site for review by the Department:
- (c) a six week record of child attendance, including sign-in and sign-out records;

### Rationale / Explanation

*Review of program records by the Department is used to determine, in part, the program's compliance with the licensing rules. CFOC, pg. 334 Standard 8.003; pg. 367 Standard 8.057.*

### Enforcement

*If the provider indicates they do not have the record, cite R430-70-13(3), not this rule. If the provider indicates they **have** any of these records, but **cannot find them** during an on-site visit, cite this rule number [R430-0-9(1)(c)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-70-13(3).*

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*Always Level 3 Noncompliance.*

- (1) The provider shall maintain the following records on-site for review by the Department:
- (d) all current variances granted by the Department;

### Rationale / Explanation

*Review of program records by the Department is used to determine, in part, the program's compliance with the licensing rules. CFOC, pg. 334 Standard 8.003; pg. 367 Standard 8.057.*

### Enforcement

*Always Level 3 Noncompliance.*

- (1) The provider shall maintain the following records on-site for review by the Department:
- (e) a current local health department inspection;

### Rationale / Explanation

*Review of program records by the Department is used to determine, in part, the program's compliance with the licensing rules. CFOC, pg. 334 Standard 8.003; pg. 367 Standard 8.057.*

### Enforcement

*Always Level 3 Noncompliance.*

- (1) The provider shall maintain the following records on-site for review by the Department:
- (f) a current local fire department inspection;

### Rationale / Explanation

*Review of program records by the Department is used to determine, in part, the program's compliance with the licensing rules. CFOC, pg. 334 Standard 8.003; pg. 367 Standard 8.057.*

### Enforcement

*Always Level 3 Noncompliance.*

- (1) The provider shall maintain the following records on-site for review by the Department:
- (g) if the licensee has been licensed for one or more years, the most recent "Request for Annual Renewal of CBS/MIS Criminal History Information for Child Care" which includes the licensee and all current providers, caregivers, and volunteers;
  - (h) if the licensee has been licensed for one or more years, the most recent criminal background "Disclosure & Consent Statement" which includes the licensee and all current providers, caregivers, and volunteers; and

### Rationale / Explanation

*Review of program records by the Department is used to determine, in part, the program's compliance with the licensing rules. CFOC, pg. 334 Standard 8.003; pg. 367 Standard 8.057.*

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*If at the time the license expires, any staff working at the program have not been listed on the "Request for Annual Renewal of CBS/LIS Criminal History Information for Child Care" submitted for the program's renewal, or if the program does not have Disclosure Statements for all individuals employed at the time of renewal who have worked at the center since their last license date, cite R430-6-3(1), not this rule.*

*Individuals who must submit background clearance documents ("covered individuals") include:*

1. **Owners & Members of the Governing Body.**
  - Owners mean anyone who has a 25% or greater share in the business, or anyone with less than a 25% share if they are in the facility anytime during hours of operation. If a program's legal structure is a corporation, a state or local government, or a private non-profit agency, and the organization operates other programs in addition to the child care program (for example, a ski resort, a recreation center, or a domestic violence shelter), the owners and members of the governing board include any owners and board members who perform one or more of the functions listed below.
    - A. They have unsupervised access to the children in care at the program, or are present in the facility during hours of operation.
    - B. They make decisions regarding the day-to-day operations of the program.
    - C. They hire and fire child care staff.
    - D. The child care staff report to them and/or they conduct personnel evaluations of the child care staff.
    - E. They are involved in writing the program's policies and procedures.
2. **Directors.** This means the person who is the director, director designee, and/or assistant director of the program.
3. **Employees.** This includes anyone employed to work in the child care program. For child care programs located in buildings that also house other activities (for example, a city or county recreation center, a community center, a church, or a school), non-child care staff (staff who do not have any duties working with child care children), are not required to submit background clearances, provided that the program first submits a written policy explaining how they ensure that non-child care staff do not have unsupervised access to child care children, including when child care children are in the bathroom.

*If a person is on leave, for example, maternity leave, but the program still considers them an employee, they should be included on the renewal background screening forms. If a person quits and then returns to work, or is on leave and the center does **not** still consider them an employee, they will need to submit a new initial CBS/LIS Form when they return from leave.*
4. **Providers of care.** This means anyone who provides direct care to one or more child in the program.
5. **Volunteers, except parents of children enrolled.** This includes any volunteer who works with the children or is present in the child care facility when care is being provided to children. If a parent volunteer at a program receives compensation (either monetary, or free child care) for volunteering in the program, they are considered an employee under #3 above. A parent of an enrolled child who has not passed a background screening may not have unsupervised access to any child in care except their own child.

*Volunteers include students completing a practicum for a high school or college course that involves*

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*working in a regulated child care facility, unless the requirement is that the student observe the children only, and not interact with them. If the student only observes the children and does not interact with them, they do not need to pass a background screening. If a student is being paid to complete a practicum, they are considered an employee under #4 above.*

### 6. **Anyone who has unsupervised contact to a child in care.**

*Level 3 Noncompliance.*

*For additional information on the background screening rules, see the background screening section of the Interpretation Manual available at: <http://health.utah.gov/licensing/rules.htm#Manuals>*

### (2) **The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:**

- (a) **an admission form containing the following information for each child:**
  - (i) **name;**
  - (ii) **date of birth;**
  - (iii) **date of enrollment;**
  - (iv) **the parent's name, address, and phone number, including a daytime phone number;**
  - (v) **the names of people authorized by the parent to pick up the child;**
  - (vi) **the name, address and phone number of a person to be contacted in the event of an emergency if the provider is unable to contact the parent;**
  - (vii) **if available, the name, address, and phone number of an out of area/state emergency contact person for the child; and**
  - (viii) **current emergency medical treatment and emergency medical transportation releases with the parent's signature;**

### **Rationale / Explanation**

*The health and safety of individual children requires that information regarding each child be kept at the program and available to staff on a need-to-know basis. Names of individuals authorized to pick children up are needed to prevent children from being taken by unauthorized individuals. Emergency treatment consent is needed in order to obtain medical care for children in emergencies. Admission of children without this information can leave the program unprepared to deal with children's daily and emergent health needs. CFOC pgs. 359-364 Standards 8.046, 8.047, 8.048, 8.049, 8.050, 8.051; pgs. 369-370 Standard 8.062*

*Review of program records by the Department is used to determine, in part, the program's compliance with the licensing rules. CFOC, pg. 367 Standard 8.057.*

### **Enforcement**

*Programs will be considered to be in compliance with this rule if they have all of the required records for 90% of the files reviewed.*

*If a program maintains information required in the admission form in another form [for example, if the program has a child's enrollment date on a form (paper or electronic) other than the admission form], they will be considered in compliance with the rule.*

*In order to be in compliance, the child admission form must have at least the following information completed:*

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name; date of birth; the parent's name, address, and phone number, including a daytime phone number; the names of people authorized by the parent to pick up the child (unless the parent's don't choose to authorize anyone but themselves to pick up their child); the name and phone number of a person to be contacted in the event of an emergency if the provider is unable to contact the parent (unless the parents don't know anyone in the area they can list); and current emergency medical treatment and emergency medical transportation releases with the parent's signature. This means an admission form can be in compliance if it is missing the child's date of enrollment, the address of the emergency contact person, an out-of-state emergency contact person, or an in-state emergency contact person if the parent does not know anyone they could list.

*Level 2 Noncompliance: If there is not an admission form (as described in the paragraph above).*

*Level 3 Noncompliance: If the admission form is missing any information other than that specified above in Level 2 Noncompliance.*

- (2) **The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:**
- (b) **a current annual health assessment form as required in R430-70-14(5);**

### Rationale / Explanation

*The health and safety of individual children requires that information regarding each child be kept at the program and available to staff on a need-to-know basis. Information about each child's health status and needs and medications is required to ensure that caregivers meet the needs of each individual child. Admission of children without this information can leave the program unprepared to deal with children's daily and emergent health needs. Records of child injuries can be used to discern possible child abuse, and to help prevent future injury. CFOC, pg. 71-72 Standard 2.054; pgs. 359-364 Standards 8.046, 8.047, 8.048, 8.049, 8.050, 8.051; pgs. 369-370 Standard 8.062*

*Review of program records by the Department is used to determine, in part, the program's compliance with the licensing rules. CFOC, pg. 367 Standard 8.057.*

### Enforcement

*If a provider indicates they **do not have** the current annual health assessment forms as required in R430-70-14(5), cite that rule, not this one. If the provider indicates they **have** any of these records, but **cannot find them** during an on-site visit, cite this rule number [R430-70-9(2)(b)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-70-14(5).*

*Level 2 Noncompliance: If lack of information on a health assessment resulted in an emergency situation (seizure, allergic reaction, etc.) in which caregivers did not have the needed information. If this is the case, cite R430-70-14(5), not this rule.*

*Level 3 Noncompliance otherwise for this rule [R430-70-9(2)(b)].*

- (2) **The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:**
- (c) **a transportation permission form, if the center provides transportation services;**

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### Rationale / Explanation

*Review of program records by the Department is used to determine, in part, the program's compliance with the licensing rules. CFOC, pg. 367 Standard 8.057.*

### Enforcement

*Always Level 3 Noncompliance.*

- (2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:

- (d) a six week record of medication permission forms, and a six week record of medications actually administered; and

### Rationale / Explanation

*The health and safety of individual children requires that information regarding each child be kept at the center and available to staff on a need-to-know basis. Information about each child's health status and needs and medications is required to ensure that caregivers meet the needs of each individual child. CFOC, pg. 71 Standard 2.054; pgs. 359-364 Standards 8.046, 8.047, 8.048, 8.049, 8.050, 8.051; pgs. 369-370 Standard 8.062*

*Review of program records by the Department is used to determine, in part, the program's compliance with the licensing rules. CFOC, pg. 367 Standard 8.057.*

### Enforcement

*If a provider indicates they **do not have** the medication records as required in R430-70-17(7)-(8), cite that rule, not this one. If the provider indicates they **have** any of these records, but **cannot find them** during an on-site visit, cite this rule number [R430-0-9(2)(d)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-70-17(7)-(8).*

*Always Level 3 Noncompliance for this rule [R430-70-9(2)(d)].*

- (2) The provider shall maintain the following records for each currently enrolled child on-site for review by the Department:

- (e) a six week record of incident, accident, and injury reports;

### Rationale / Explanation

*The health and safety of individual children requires that information regarding each child be kept at the program and available to staff on a need-to-know basis. Records of child injuries can be used to discern possible child abuse, and to help prevent future injury. CFOC, pg. 71 Standard 2.054; pgs. 359-364 Standards 8.046, 8.047, 8.048, 8.049, 8.050, 8.051; pgs. 369-370 Standard 8.062*

*Review of program records by the Department is used to determine, in part, the program's compliance with the licensing rules. CFOC, pg. 367 Standard 8.057.*

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### **Enforcement**

If a provider indicates they **do not have** the incident, accident, and injury reports as required in R430-70-13(4), cite that rule, not this one. If the provider indicates they **have** any of these records, but **cannot find them** during an on-site visit, cite this rule number [R430-70-9(2)(e)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-70-13(4).

Always Level 3 Noncompliance for this rule [R430-0-9(2)(e)].

- (3) The provider shall ensure that information in children's files is not released without written parental permission.

### **Rationale / Explanation**

Prior informed, written consent of the parent is required for the release of written or verbal records and information about their child. The purpose of this rule is to prevent unauthorized individuals from accessing confidential information about a child, and to prevent discrimination against a child due to the release of confidential information about the child or his or her family. CFOC, pg. 359 Standard 8.046; pg. 366 Standard 8.055

### **Enforcement**

Level 2 Noncompliance: If the information released results in a prohibited person having contact with a child.

Level 3 Noncompliance: If information is released, but it does not result in harm to a child.

- (4) The provider shall maintain the following records for each staff member on-site for review by the Department:
- (a) date of initial employment;

### **Rationale / Explanation**

Review of program records by the Department is used to determine, in part, the program's compliance with the licensing rules. CFOC, pgs. 367-368 Standards 8.057, 8.058

### **Enforcement**

Date of initial employment means the first day the employee is paid for. Documentation of the initial date of employment is used to verify compliance with background screening and TB testing requirements.

Always Level 3 Noncompliance.

- (4) The provider shall maintain the following records for each staff member on-site for review by the Department:
- (b) results of initial TB screening;

### **Rationale / Explanation**

Review of program records by the Department is used to determine, in part, the program's compliance with the



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licensing rules. CFOC, pgs. 367-368 Standards 8.057, 8.058

### **Enforcement**

If a provider indicates they **do not have** the TB screening records as required in R430-70-16(11)-(12), cite that rule, not this one. If the provider indicates they **have** any of these records, but **cannot find them** during an on-site visit, cite this rule number [R430-70-9(4)(b)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-70-16(11)-(12).

Always Level 3 Noncompliance for this rule [R430-70-9(4)(b)].

- (4) The provider shall maintain the following records for each staff member on-site for review by the Department:
- (c) approved initial "CBS/MIS Consent and Release of Liability for Child Care" form;

### **Rationale / Explanation**

Review of program records by the Department is used to determine, in part, the program's compliance with the licensing rules. CFOC, pgs. 367-368 Standards 8.057, 8.058

### **Enforcement**

Licensing Specialists must look at CBS/IS background clearance documents for **all staff**.

Individuals who must submit background clearance documents ("covered individuals") include:

1. **Owners & Members of the Governing Body.**
  - Owners mean anyone who has a 25% or greater share in the business, or anyone with less than a 25% share if they are in the program anytime during hours of operation. If a program's legal structure is a corporation, a state or local government, or a private non-profit agency, and the organization operates other programs in addition to the child care program (for example, a ski resort, a recreation center, or a domestic violence shelter), the owners and members of the governing board include any owners and board members who perform one or more of the functions listed below.
    - A. They have unsupervised access to the children in care at the program, or are present in the facility during hours of operation.
    - B. They make decisions regarding the day-to-day operations of the program.
    - C. They hire and fire child care staff.
    - D. The child care staff report to them and/or they conduct personnel evaluations of the child care staff.
    - E. They are involved in writing the program's policies and procedures.
2. **Directors.** This means the person who is the director, director designee, and/or assistant director of the program.
3. **Employees.** This includes anyone employed to work in the child care program. For child care programs located in buildings that also house other activities (for example, a city or county recreation center, a community center, a church, or a school), non-child care staff (staff who do not have any duties working with child care children), are not required to submit background clearances, provided that the program first



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*submits a written policy explaining how they ensure that non-child care staff do not have unsupervised access to child care children, including when child care children are in the bathroom.*

*If a person is on leave, for example, maternity leave, but the program still considers them an employee, they should be included on the renewal background screening forms. If a person quits and then returns to work, or is on leave and the center does **not** still consider them an employee, they will need to submit a new initial CBS/LIS Form when they return from leave.*

4. **Providers of care.** *This means anyone who provides direct care to one or more child in the program.*
5. **Volunteers, except parents of children enrolled.** *This includes any volunteer who works with the children or is present in the child care facility when care is being provided to children. If a parent volunteer at a program receives compensation (either monetary, or free child care) for volunteering in the program, they are considered an employee under #3 above. A parent of an enrolled child who has not passed a background screening may not have unsupervised access to any child in care except their own child.*

*Volunteers include students completing a practicum for a high school or college course that involves working in a regulated child care facility, unless the requirement is that the student observe the children only, and not interact with them. If the student only observes the children and does not interact with them, they do not need to pass a background screening. If a student is being paid to complete a practicum, they are considered an employee under #4 above.*

6. **Anyone who has unsupervised contact to a child in care.**

*R430-6-3(3) requires the program to submit background clearance documents for newly hired individuals within five days of the first day of work for which the employee is paid, or for the first day of volunteer work for volunteers. This is required no matter how long the individual remains as an employee or volunteer at the program.*

*If a program owner owns more than one program and a staff member works in more than one of these programs, the staff member does not need to have initial and annual background clearances done at both programs. They may photocopy their background clearance documentation from one program and keep the photocopies in their file at the other program.*

*Programs are required to keep a copy of the initial cleared CBS/LIS form in the file for staff hired. Initial CBS/LIS records should only be checked for individuals hired since the program's last annual announced inspection.*

*If a provider indicates they **do not have** the initial CBS/LIS forms for all individuals hired since the program's last Annual Announced Inspection as required in R430-6-3(3), cite that rule, not this one. If the provider indicates they **have** these records, but **cannot find them** during an on-site visit, cite this rule number [R430-70-9(4)(c)] **only** as being out of compliance. If a check with the BCU indicates the CBS/LIS form(s) have not been submitted, cite R430-6-3(3).*

*Always Level 3 Noncompliance for this rule [R430-70-9(4)(c)].*

*For additional information on the background screening rules, see the background screening section of the Interpretation Manual available at: <http://health.utah.gov/licensing/rules.htm#Manuals>*

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- (4) The provider shall maintain the following records for each staff member on-site for review by the Department:

- (d) a six week record of days and hours worked;

### Rationale / Explanation

*Review of program records by the Department is used to determine, in part, the program's compliance with the licensing rules. CFOC, pgs. 367-368 Standards 8.057, 8.058*

### Enforcement

*Always Level 3 Noncompliance.*

- (4) The provider shall maintain the following records for each staff member on-site for review by the Department:

- (e) orientation training documentation for caregivers and for volunteers who work at the center at least once each month;

### Rationale / Explanation

*Review of program records by the Department is used to determine, in part, the program's compliance with the licensing rules. CFOC, pgs. 367-368 Standards 8.057, 8.058*

### Enforcement

*If a provider indicates an individual did not complete orientation training as required in R430-70-7(8), cite that rule, not this one. If the provider indicates all individuals completed orientation training but they **cannot find the record** during an on-site visit, cite this rule number [R430-70-9(4)(e)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-70-7(8).*

*Always Level 3 Noncompliance for this rule [R430-70-9(4)(e)].*

- (4) The provider shall maintain the following records for each staff member on-site for review by the Department:

- (f) annual training documentation for all providers and substitutes who work an average of 10 hours or more a week, as averaged over any three month period; and

### Rationale / Explanation

*Review of program records by the Department is used to determine, in part, the program's compliance with the licensing rules. CFOC, pgs. 367-368 Standards 8.057, 8.058*

### Enforcement

*This rule is not out of compliance unless the annual training has not been completed **by the program's license expiration date** (not the date of their Annual Announced Inspection.)*

*If a provider indicates an individual did not complete annual training as required in R430-70-7(9), cite that rule, not this one. If the provider indicates all individuals completed annual training as required, but they **cannot find***

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*the record* during an on-site visit, cite this rule number [R430-70-9(4)(f)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-70-7(9).

*Always Level 3 Noncompliance for this rule [R430-70-9(4)(f)].*

- (4) The provider shall maintain the following records for each staff member on-site for review by the Department:
- (g) current first aid and CPR certification, if applicable as required in R430-70-10(2), R430-70-20(5)(d), and R430-70-21(2).

### Rationale / Explanation

*Review of program records by the Department is used to determine, in part, the program's compliance with the licensing rules. CFOC, pgs. 367-368 Standards 8.057, 8.058*

### Enforcement

*If a provider indicates an individual does not have first aid or CPR certification as required in R430-70-10(2), R430-70-20(5)(d), or R430-70-21(2) cite those rules, not this one. If the provider indicates the required individuals have their first aid and CPR certification, but they **cannot find the record** during an on-site visit, cite this rule number [R430-70-9(4)(g)] **only** as being out of compliance. If the provider still does not have the required record(s) on the follow-up visit, cite R430-70-10(2), R430-70-20(5)(d), or R430-70-21(2).*

*Always Level 3 Noncompliance for this rule [R430-70-9(4)(g)].*